



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

MAR 09 2004

Applicants: Steven M. Bowman et al.
Application No: 10/022,182
Filing Date: December 14, 2001
Entitled: **USE OF REINFORCED FOAM
IMPLANTS WITH ENHANCED
INTEGRITY FOR SOFT TISSUE
REPAIR AND REGENERATION**
Atty. Docket No: 22956-74

Group Art Unit: 1615

Examiner: L. Di Nola Baron

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

3-2-04

Date of Signature and Mail Deposit

By:

William C. Geary III, Reg. No: 31,359

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

DePuy Mitek, Inc. states that it is the assignee of the entire right, title, and interest in the above-referenced U.S. Patent Application No. 10/022,182, filed on December 14, 2001 for "Use Of Reinforced Foam Implants With Enhanced Integrity For Soft Tissue Repair And Regeneration," and in U.S. Patent No. 6,599,323 of Melican et al., by virtue of the following, copies of which are attached hereto:

- (1) an Assignment of Application No. 10/022,182 dated January 17 and 18, 2002 and recorded at Reel 012572, Frame 0715 from all inventors to Ethicon, Inc.;
- (2) an Assignment of Application No. 09/747,789 (now U.S. Patent No. 6,599,323) dated April 10 and 20, 2001 and recorded at Reel 011778, Frame 0360 from all inventors to Ethicon, Inc.; and
- (3) an Assignment and Assumption from Ethicon, Inc. to DePuy Mitek, Inc.

The owner, DePuy Mitek, Inc., hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory

term of United States Patent No. 6,599,323, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,599,323, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,599,323 in the event that this patent later lapses for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned has reviewed the evidentiary documents pertaining to the rights of owner to file this Disclaimer and certifies that, to the best of his knowledge and belief, title to the above-identified application is in the owner. The undersigned, as an attorney of record for the owner, is authorized to execute this document on behalf of the owner.

The Commissioner is hereby authorized to charge the amount of \$110.00 due pursuant to 37 CFR § 1.20(d) to Deposit Account No. 141449 (reference number 22956-74). The Commissioner is further authorized to charge any additional fee due under 37 CFR §§ 1.16 or 1.17 to Deposit Account No. 141449 (reference number 22956-74).

Respectfully submitted,



William C. Geary III, Reg. No. 31,359
Attorney for Applicants

Dated: March 2, 2004

NUTTER, McCLENNEN & FISH, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02110
Telephone: (617) 439-2766
Facsimile : (617) 310-9766